

Art Unit: 3743



## DETAILED ACTION

### *Claim Objections*

1. Claims 1-6 are objected to because of the following informalities: The claim should begin with a capital letter and conclude with a period. Periods may not be used elsewhere in the claim. Appropriate correction is required.

2. Each claim has not been provided with the proper status identifier. The status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), or (New).

### *Claim Rejections - 35 USC § 112*

3. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the healing postulate" in the second line. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 6,274,787 ("Downing").

**WHAT IS CLAIMED;** Application No. 10/654,310 *Original 1/3/03*

1. a non-crushable, clear, dome shaped dressing which is vented with holes or openings, which is placed over the healing pustule which results from a smallpox vaccination
  - the cover fashioned of a non crushable, plastic, in the shape of a dome or cup, with two side projections or phalanges which lie flat on the skin, over which tape is used to secure the dome in place over the healing vaccination site ; the dome does not touch the site
  - the cup or dome is vented with holes or openings in a regular pattern over the top of the dome , this allows air circulation for healing of the vaccination pustule to form the scar of indication
  - The the dome is fashioned to rise over the pustule without touching the surface of the pustule , the height and diameter of the dome are formed in sizes to accommodate adult or child vaccinations
  - the domed, clear, vented non crushable cover is designed to be a one time use by a single individual, the cover is disposable
  - the design of the cup or domed, vented clear cover can be lifted by releasing the the tape over one of the side projections or phalanges, in order to swab or cleanse excess exudate from the healing pustule, then re-tape the side phalange (projection)
2. the domed, clear, non-crushable, vented cover, dependent on Claim 1, defines the healing pustule of the vaccination to dry scab as the area for protection
3. formed of non crushable plastic, vented clear, and shaped to prevent touch of the healing vaccination site dependent on Claim 1, providing protection during bathing or showering
4. the domed clear, vented, non-crushable cover dependent on Claim 1, is not designed a 'left' or 'right', therefore will fit over any vaccination site
5. the domed, vented clear, non-crushable cover dependent on Claim 1, is formed as a single cup over with 2 side projections ( phalanges) to allow tape to secure the cover to the skin
6. the domed, vented, clear, non-crushable cover dependent on Claim 1 is formed of environmentally safe material, allowing for disposal in the regular trash or landfill

## WHAT IS CLAIMED Application 10/654,310 Corrections marked

### Status

1. Amended A ~~/~~ non-crushable, clear, dome shaped dressing which is vented with holes or openings, which is placed over the healing pustule which results from a smallpox vaccination .

- Deleted ~~/~~ ~~a.~~ ~~the cover fashioned of a non-crushable, plastic, in the shape of a dome or cup with two side projections or phalanges which lie flat on the skin, over which tape is used to secure the dome in place over the healing vaccination site; the dome does not touch the site.~~
- Deleted ~~/~~ ~~b.~~ ~~the cup or dome is vented with holes or openings in a regular pattern over the top of the dome; this allows air circulation for healing of the vaccination pustule to form the scar of indication~~
- Deleted ~~/~~ ~~c.~~ ~~the dome is fashioned to rise over the pustule without touching the surface of the pustule; the height and diameter of the dome are formed in sizes to accommodate adult or child vaccinations~~
- Deleted ~~/~~ ~~d.~~ ~~the domed, clear, vented non-crushable cover is designed to be a one time use by a single individual; the cover is disposable~~
- Deleted ~~/~~ ~~e.~~ ~~the design of the cup or domed, vented clear cover can be lifted by releasing the tape over one of the side projection or phalanges, in order to swab or cleanse excess exudate from the healing pustule; then retape the side phalange.~~

2. Amended The domed, clear, non-crushable, vented cover, dependent on Claim 1, defines the healing pustule of the vaccination to dry seab as the area for protection.
3. Amended Formed of non-crushable plastic, vented clear, and shaped to prevent touch of the healing vaccination site, dependent on Claim 1, providing protection during bathing or shower.
4. Amended The domed, clear, vented, non-crushable cover, dependent on Claim 1, is not designed as 'left' or 'right', therefore will fit over any vaccination site.
5. Amended The domed, vented clear, non-crushable cover, dependent on Claim 1, is formed as a single cup like cover with two side projections or phalanges to allow tape to secure the cover to the skin.
6. Amended The domed, vented, clear, non-crushable cover, dependent on Claim 1, is formed of environmentally safe material, allowing for disposal in the regular trash, or landfill.

## **WHAT IS CLAIMED    Application 10/654,310**

- 1.     A non-crushable, clear, dome shaped dressing which is vented with holes or openings, which is placed over the healing pustule which results from a smallpox vaccination.**
- 2.     The domed, clear, non-crushable, vented cover, dependent on Claim 1, defines the healing pustule of the vaccination to dry scab as the area for protection.**
- 3.     Formed of non-crushable plastic, vented clear, and shaped to prevent touch of the healing vaccination site, dependent on Claim 1, providing protection during bath or shower.**
- 4.     The domed, clear, vented non-crushable cover, dependent on Claim 1, is not designed 'left' or 'right' will fit over any vaccination site.**
- 5.     The domed, vented clear, non-crushable cover, dependent on Claim 1, is formed as a single cup with two side projections or phlanges to allow tape to secure the cover to the skin.**
- 6.     The domed, vented clear, non-crushable cover, dependent on Claim 1, is formed of environmentally safe material for disposal in the regular trash or landfill.**